

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DONALD L. STAPLES,

CIVIL NO.09-987 (DSD/JSM)

Petitioner,

v.

ORDER

JOHN KING,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated September 14, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254, (Docket No. 1), is **DENIED**;
2. This action is **DISMISSED WITH PREJUDICE**; and
3. Petitioner is **NOT** granted a Certificate of Appealability.

Dated: September 30, 2010

s/David S. Doty _____
DAVID S. DOTY
United States District Judge